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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,085	01/16/2004	Takashi Takahashi	017498-0172	5271
22428 7590 07/14/2008 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007				
EXAMINER				
FISCHER, JUSTIN R				
ART UNIT		PAPER NUMBER		
1791				
MAIL DATE		DELIVERY MODE		
07/14/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/758,085

Applicant(s)

TAKAHASHI, TAKASHI

Examiner

Justin R. Fischer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 6 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As to claim 6, the amended claim includes the following language: prior to filling the fluorine-based organic compound between the plural lenses. It is initially noted that applicant does not point to the original disclosure for support for such language. Additionally, the original disclosure simply states that the respective surfaces of the lens can be roughened by evaporating fluorides 5,6 (Page 5, Lines 4-7)- there is no disclosure as to when such an evaporation occurs.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. discloses a method for manufacturing an optical member which is a laminated optical member including plural lenses to be used in the UV region of 100nm to 200nm, the method comprising: filling a fluorine-based organic compound between

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the plural lenses, one lens comprising quartz and one lens comprising fluorite; and sealing the whole periphery of the plural lenses with a sealant having an adhesion so as to seal the organic compound filled between the plural lenses, the fluorine-based organic compound having one of applicant's claimed formula's (paragraphs 0011, 0012, 0019, 0023-0034). Takahashi et al. further discloses that the sealant can be an epoxy resin. The reference is silent however, as to the use of an organic solvent-soluble amorphous fluorine resin. Kobayashi et al. is directed to a method of sealing two lenses as discussed above and the reference further discloses an epoxy and an organic solvent-soluble amorphous fluorine resin are well known alternatives for sealing the periphery of two lenses injected with a fluorine containing resin (column 8, lines 45-47). At the time of the invention it would have been obvious to one of ordinary skill in the art to replace the epoxy resin of Takahashi et al. with an organic solvent-soluble amorphous fluorine resin as said resins are well known alternatives as taught by Kobayashi et al. above. Lastly, given the extreme similarities in construction (lens materials, sealing material, and fluorine-based organic compound), however, one of ordinary skill in the art at the time of the invention would have expected the respective constructions to have the same effects when exposed to the claimed UV energy.

As to claim 7, the claim language fails to further define the claimed method (claim limitations are directed to method of using an article made by a particle method- does not further define the claimed method of making said article).

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4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. and Kobayashi et al. as applied above, and in further view of either one of (a) Smith (US 4,364,786) and Babuka (US 5,867,236) or (b) Inoue (JP 06118202).

Takahashi et al. and Kobayashi et al. disclose a method as stated above, but the references are silent as to a method wherein the glass surfaces are treated with fluoride. Smith (Column 5, Lines 49+) and Babuka (Column 6, Lines 15-25) disclose that it is known in the art to provide a fluoride treatment to the surface of a glass substrate in order to clean the surface and provide enhanced adhesion. At the time of the invention it would have been obvious to a person of ordinary skill in the art to provide a fluoride treatment to the surface of at least one of the lenses of Kobayashi et al. as taught by Smith and Babuka above. It is further noted that the particular manner in which the fluoride is applied does not appear to be critical to Smith and Babuka- one of ordinary skill in the art at the time of the invention would have found it obvious to use a wide variety of known application techniques, including evaporating the fluoride.

Alternatively, one of ordinary skill in the art at the time of the invention would have found it obvious to provide a fluoride treatment in view of Inoue. Inoue teaches the inclusion of a magnesium fluoride evaporation to a glass optical element in order to prevent reflection and improve durability.

Response to Arguments

5. Applicant's arguments filed April 14, 2008 have been fully considered but they are not persuasive.

It is initially noted that the rejections with Kobayashi as the primary reference have been withdrawn in view of applicant's arguments.

With respect to Takahashi, applicant contends that there is no suggestion that the Takahashi optical member would need such an anti-vibration optical system (as disclosed by Kobayashi). In this instance, though, the annular films of Kobayashi do in fact provide a sealing effect to the optical device and thus are analogous (to some degree) to the sealing arrangement of Takahashi. Kobayashi identifies a wide variety of materials, including fluorine resin, that are suitable for providing a sealing structure at the periphery of the optical device. It is further noted that (a) Takahashi does suggest the use of an epoxy resin and (b) Kobayashi discloses the alternative use of epoxy resins and fluorine resins for similar sealing structures in optical devices.

Regarding claim 6, evaporation techniques are commonly used in the application of fluoride compounds- applicant has not provided a conclusive showing of unexpected results to establish a criticality for such a method. Furthermore, it is not required for a reference (e.g. Inoue) to expressly disclose a benefit outlined by an additional reference (e.g. Takahashi). Lastly, it is unclear how the anti-reflection properties described by Inoue would not be transferred to the optical component of Takahashi.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R. Fischer** whose telephone number is **(571) 272-1215**. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Justin Fischer
/Justin R Fischer/
Primary Examiner, Art Unit 1791